

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIM MICHELE PADILLA,
Plaintiff,
v.
NANCY A. BERRYHILL,
Defendant.

Case No. [4:16-cv-04135-KAW](#)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

Re: Dkt. No. 17

Plaintiff Kim Michele Padilla commenced this social security action on July 22, 2016. (Dkt. No. 1.) The answer and administrative record were filed on January 27, 2017. (Dkt. Nos. 13 & 14.) Due to an administrative oversight, on September 18, 2017, the court belatedly issued a scheduling order requiring Plaintiff to file a motion for summary judgment or for remand within 28 days of being served with Defendant's answer. (Dkt. No. 16.) Since the answer was previously served, Plaintiff's motion for summary judgment or motion for remand was due by October 16, 2017. Plaintiff did not file a timely motion nor did she seek relief from the deadline.

On October 17, 2017, the Court issued an order to show cause why the case should not be dismissed for failure to comply with the deadline to file the motion for summary judgment or seek relief from the procedural order deadline, and why sanctions in the amount of \$250 should not be imposed. (Dkt. No. 17.) Additionally, Plaintiff was ordered to file a dispositive motion. *Id.*

On November 3, 2017, Plaintiff filed a timely response to the order to show cause and filed her motion for summary judgment. (Dkt. Nos. 18 & 19.) In the response, Plaintiff's counsel was apologetic, and explained that she had believed that the motion had been filed in April. (Dkt. No. 19 at 2.) Due to the oversight being brought to her attention, however, she has since taken administrative measures to ensure that similar oversights will not occur going forward. (Dkt. No.

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19 at 2.)

In light of the foregoing, the order to show cause is DISCHARGED.

IT IS SO ORDERED.

Dated: December 13, 2017


KANDIS A. WESTMORE
United States Magistrate Judge